

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBBIE GOODBAR,
Petitioner,
v.
STATE OF CALIFORNIA,
Respondents.

No. 2: 22-cv-0859 KJN P

ORDER

For the reasons stated herein, petitioner's request to voluntarily dismiss this action is granted.

Petitioner filed the original petition on May 20, 2022. (ECF No. 1.) On June 15, 2022, the undersigned construed this action as a civil rights action because petitioner challenged conditions of confinement. (ECF No. 6.) The undersigned dismissed the petition with thirty days to file a civil rights complaint. (Id.)

On August 15, 2022, petitioner filed a pleading stating that he previously filed a civil rights action raising the claims raised in the instant action, i.e., 1:21-cv-01811 GSA PC. (ECF No. 8.) Petitioner requests that the instant action be dismissed so long as 1:21-cv-01811 GSA PC names the State of California as a defendant. (Id.)

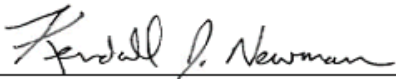
Court records reflect that on May 19, 2022, petitioner filed an amended complaint in 1:21-cv-01811 GSA PC naming the State of California as a defendant. (1: 21-cv-01811 GSA PC (ECF

No. 16).) Petitioner's amended complaint filed in 1: 21-cv-01811 GSA PC is pending before the court.

Accordingly, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, petitioner's request to voluntarily dismiss the instant action shall be honored.

Accordingly, IT IS HEREBY ORDERED that this action is dismissed without prejudice. Fed. R. Civ. P. 41(a).

Dated: August 24, 2022


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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